

CHAPTER 2 OPERATING AND GRANTING POLICIES

222—2.1(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for this chapter.

222—2.2(303) Operating policies. The following operating policies shall apply to arts division programs and services except where noted:

2.2(1) Annually, the chair appoints an executive committee of five members of the council, inclusive of the vice chair and chair. Between meetings, business may be conducted by the executive committee. A majority vote consists of three of five votes cast.

2.2(2) All assignments of duties of council members shall be made by the chair in consultation with the administrator.

2.2(3) Annually, the administrator, in consultation with the chair, appoints advisory panels to assist in any aspect of arts division administration, programs, or services. The arts division shall accept nominations from the general public of qualified individuals to serve in these capacities. Appointments are made for a term of one year, unless otherwise specified at the time of the appointment.

2.2(4) Recommendations of advisory panels on any aspect of administration or programs constitute advice and shall not be binding on the council. In the case of grants, final awarding authority rests with the director or the director's designee.

2.2(5) The arts division shall provide information on arts activities in Iowa to the general public and, if deemed necessary by the arts division, may charge a fee for the dissemination of such information.

Individuals and organizations are eligible to request a copy of information contained in the arts division's HOBIE computer system, for projects of direct benefit to the development of the arts in Iowa.

2.2(6) Information shall be released under the condition that it shall not be sold, rereleased or retained for purposes other than those specifically stated to and granted by the arts division.

Organizations or individuals requesting information may be charged for time and materials used in producing lists or reports. A list of fees for services is available from the arts division upon request.

2.2(7) Council members or staff shall not submit an application for arts division funds, or serve as artist in an arts division program or activity during their terms of service or employment. This ban shall extend for a period of two years after the termination of services or employment.

2.2(8) The arts division does not write or submit grant applications to other funding agencies for arts groups which, due to a lack of federal tax-exempt status or other qualifying characteristics, cannot apply to funding sources as coapplicant with other Iowa-based organizations.

222—2.3(303) Program policies. The following policies apply to all formerly adopted programs outlined in 222—Chapters 3 to 23 except where noted:

2.3(1) All arts division programs shall be conducted according to published guidelines that outline the goals of the programs, eligibility requirements, review criteria, adjudication processes and recipient requirements.

2.3(2) All direct grant programs shall require formal application and review prior to the award or denial of any grant funds. The application, review, and award process will vary with the nature and design of each direct grant program.

2.3(3) Applicants to arts division granting programs shall be notified of the results of the grant application within 120 days following the advisory panel meeting.

2.3(4) The arts division shall support only those organizations that are nonprofit and federally tax-exempt. An applicant's Internal Revenue Service tax determination letter and federal identification number shall be filed with the arts division prior to the review of any grant application.

2.3(5) Nonprofit organizations that have not yet achieved federal tax-exempt status may apply through a fiscal agent.

2.3(6) Tax-exempt, nonprofit organizations located in states bordering Iowa shall be eligible to apply to the arts division for projects that serve Iowa audiences. Tax-exempt, nonprofit organizations located in bordering states are not eligible to apply to the arts division for general operating support.

2.3(7) Individuals applying for and receiving grant funds shall be legal residents of the United States, or be in the process of becoming legal residents as evidenced by certified documentation and be 18 years of age or older unless otherwise noted in program guidelines.

2.3(8) Artists applying to participate in arts division programs shall be subject to review with final approval authority resting with the administrator.

2.3(9) Preference in all arts division programs shall be given to Iowa artists.

2.3(10) Applications shall not be considered unless submitted on standard arts division application forms with support materials as required.

2.3(11) Applications submitted to the arts division shall be for projects that occur during the period of July 1 through June 30. Multiyear project applications submitted to the arts division shall operate on a multiyear funding cycle and shall be funded on a yearly basis subject to available funding.

2.3(12) Applications shall be reviewed as received and deadlines shall be strictly enforced. Applications shall be postmarked or hand-delivered on or before the stated deadline date unless otherwise noted in program guidelines. An official U.S. Postal Service cancellation mark shall serve as the postmark date for deadline determinations. If the official deadline falls on a weekend or holiday, the first state working day after the published deadline becomes the official deadline. The use of facsimile machines to send an application is prohibited.

2.3(13) Arts division staff shall not be responsible for the correction or amendment of incomplete or erroneous applications after receipt in the arts division office.

2.3(14) The arts division shall issue a service contract for all grants awarded unless otherwise noted in program guidelines.

2.3(15) No portion of arts division or other department funds shall be used by recipients to meet the recipient's or applicant's obligation to match other arts division or department grants or programs.

2.3(16) Review criteria scores shall be the official written record of the proceedings of an advisory panel meeting. Arts division staff shall, upon request, provide applicants with a written record of these scores. Scores shall be maintained within HOBIE.

2.3(17) An advisory panel member, or contractor (in areas outside the contracting authority), shall not serve as spokesperson or an official representative of the arts division without written authorization from the administrator. Violations of this rule may result in the removal of the individual from the panel.

2.3(18) Council and advisory panel members or contractors who have an affiliation in any grant application and who fail to absent themselves from all discussion and voting on such an application shall be recommended for resignation to the appointing authority. Affiliated interests shall be interpreted to include an employee, board or trustee relationship with the applicant, and shall be extended to include the spouse and dependent children of the council, advisory panel member or contractor.

2.3(19) The arts division shall place a strong emphasis on artistic quality in evaluating applications.

2.3(20) Programs supported to any extent by the arts division shall be open to the public.

2.3(21) The arts division shall not permit recipients to become dependent on the arts division for a majority portion of their operating budgets.

2.3(22) The arts division shall not consider applications for funding a previous year's deficit or for projects that exclude the general public.

2.3(23) College- or university-based projects shall demonstrate community participation in planning, implementation and evaluation. Projects for which college credit is given to participants are not eligible for funding from the arts division. Projects that afford the college or university recruitment opportunities shall be considered a lower priority for funding.

2.3(24) Recipients of arts division grants shall not utilize funds for any lobbying purpose.

2.3(25) Unless otherwise contracted for in writing prior to surrender, any and all patents, copyrights, or other legal interest of relevance to programs or projects supported by the arts division shall be the sole and exclusive property of the artist or the artist's designee.

2.3(26) Recipients of arts division grants shall credit the arts division in all promotion, publicity, advertising, and in any printed materials relating to the grants-supported projects with the following credit line or a reasonable facsimile: "This program is supported in part by the Iowa Arts Council." Noncompliance with this guideline shall jeopardize future funding of the recipient by the arts division.

2.3(27) No arts division funds shall be released to any recipient until all final reports and contract-mandated requirements from previous awards are correctly submitted and approved by arts division staff. Recipients who fail to return signed contracts or related materials within 60 days of the funding notification or June 30, whichever comes first, shall risk cancellation of the pledge of funds from the arts division.

2.3(28) Recipients of arts division support in any form who are shown to be delinquent regarding final reports for past financial awards, negligent concerning statements of facts necessary to attain and maintain arts division funds, or substandard regarding compliance with contract-mandated guidelines, thereby rendering current or future arts division supported projects impractical, shall be placed on formal departmentwide funding moratorium by the administrator. The funding moratorium shall remain in effect until the necessary reports are submitted and approved, or until the recipient returns grant funds to the arts division.

2.3(29) To ensure that state and federal grants are spent in full compliance with all state and federal guidelines and requirements, the administrator shall formulate and maintain a system of periodic on-site audits (financial, managerial, artistic, and physical) of recipients of grants and program funds, and make reports concerning these audits to the appropriate authorities.

2.3(30) All arts division contracts not successfully completed by the recipient within arts division guidelines may be required to return all or part of the arts division funds, such determination to be made at the sole discretion of the administrator in consultation with arts division staff.

2.3(31) Extensions to the contracted period of all arts division grants and programs may be requested in writing, addressed to the administrator and may be approved at the administrator's sole discretion in consultation with arts division staff. Generally, agency funding shall not be extended beyond September 30. Extensions shall not be approved when the new project time line is eligible for support under the next program deadline. Projects that are eligible for the next program deadline shall be re-submitted by the applicant for reconsideration with the applicant adhering to all program guidelines then in effect.

2.3(32) Informal appeals. An informal appeals process shall be made available only to applicants whose applications were declined on procedural impropriety or error as evidenced by one or more of the following reasons:

- a.* Application declined on the basis of review criteria other than those appearing in the relevant guidelines;
- b.* Application declined based on influence of the advisory panel or council member(s) willfully or unwillingly failing to disclose conflicts of interest; and
- c.* Application declined based on highly erroneous information provided by staff, panelists, or council members at the time of review despite the fact that the applicant provided the arts division staff with accurate and complete information on regulation forms as part of the standard application process.

d. Incomplete or ineligible applications are specifically denied any appeals process. Substantially revised applications may be recognized as new applications, or may be declared ineligible if constraints of time preclude accurate information being made available to panelists. All requests for appeals shall be made in writing and shall be postmarked or received in the arts division office within 30 calendar days of notification of the decision. A successful informal appeal shall be determined at the sole discretion of the administrator, whose discretion may include full or partial funding of the aggrieved application which shall then be funded at the next earliest occasion. The administrator shall have the authority to appoint an appeals committee to assist in the review of any request from applicants whose applications were denied funding. The appeals committee shall have representation from the discipline of the aggrieved.

2.3(33) Formal appeals. Decisions by the administrator may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

These rules are intended to implement Iowa Code sections 303.87 and 303.88.

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